

du/DG

FILED

DEC 20 2019

Mark C. McCart, Clerk  
U.S. DISTRICT COURT

Boris Nichols and Tonnie Smith Nichols  
Applicants Pro Per  
8562 E 32nd St.  
Phone:(918) 812-8578  
Email: Tonnie2you@msn.com

**REBUTTAL, RESPONSE, COUNTER OFFER AND OBJECTION TO ALL ADVERSE  
AND MOOT ACTIONS, OPINIONS AND DECISIONS AGAINST THE CLAIMANTS.**

THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

In re the matter of:

Boris Nichols and Tonnie Smith Nichols  
VS  
U.S.BANK NATIONAL ASSOCIATION  
ET .AL

Case Number: 4:19-CV-00482-JED-FHM

AFFIDAVIT OF BORIS NICHOLS IN  
SUPPORT OF FACTS

**CAUSE OF ACTION:** EQUITABLE ESTOPPEL, TITLE 42 USC 14141 & ECT.-OFFICIAL MISCONDUCT

**SUBJECT MATTER:** TITLE 18 USC 241-242 & ECT-DEPRIVATION OF RIGHT IN CONSPIRACY.

I, Boris Nichols, being of sound mind and over the age of (21) twenty-one, do declare and affirm under penalty of perjury of the following first-hand knowledge, common sense and reasonable belief:

1. Affiant Boris Nichols and Tonnie Nichols is party to an arbitration agreement with U.S. Bank, National Association, Et Al, First Mortgage, LLC and Andy Cerere, CEO et.al dated JULY 11, 2019 only. Now comes the natural, aggrieved woman, Tonnie Nichols and aggrieved natural man Boris Nichols with the affirmed affidavit and verified statement of facts in which, Agent Dowdell gave an unauthorized opinion, stating that he, Agent Dowdell stated that the "arbitrator was not a legit arbitrator". The Claimant Conditionally, accepts

Agent Dowdell's premise, Upon Offer of Proof of Claims and Proof authority to interfere with the Claimant's ability and right to contract in equity? As a natural conscious persons, the Claimants, as ones of "WE" the People do NOT elect or condone officials who are not for the people and war with the United States of America's constitution. The non-facts and opinions in this case, by Agent Dowdell must be removed, discharged, vacated, stayed, discharged and expunged. The Claimant requires and insist that by ONLY verified sworn affidavit, with first-hand knowledge of S.A.A. LIMITED or the contracting arbitrator ONLY to state claims against the Claimant and IMMEDIATELY WITHOUT DELAY CEASE AND DESIST all defamation and assassination of the Claimant's character and grave slander. The Claimants and natural persons Boris and Tonnie Nichols are NOT lawyers, and there was no consideration for the rules in this court to keep natural, conscious people fair justice against fraud and irreparable injury.

2. The Facts of this case have been ignored and the Agent Dowdell is biased and defective and Agent Dowdell has committed a fraud upon the court and the People and the Claimants of the United States of America, falsified the court record, tampered with evidence and this Agent Dowdell has Breached his oath of office, B.A.R. laws, Maritime Laws, Anti-Bribery Statement, Foriegn

Statement Clause, and is **ECCLESTATICALLY** Dishonored.

This matter MUST be reviewed because there is NO contract with Tonnie Nichols, Boris Nichols and U.S. BANK NATIONAL ASSOCIATION. FURTHERMORE, PRIMA FACIE,-ON ITS FACE, DEFACTO-NO FACTS, BY A PREPONDERANCE OF EVIDENCE, LACKING SUBJECT MATTER, JURISDICTION AND MOOT IN ITS ENTIRETY. The Claimant's agrees to contract at anytime in conception of purchase of our home between Alisha Deere and Boris and Tonnie Nichols.

[DECEPTIVE BUSINESS PRACTICES:]-At NO OCCASION OR OCCURRENCE was there ANY VALID OR OTHERWISE contract between U.S. BANK and the Claimant. There is no sworn affidavits as to U.S..BANK SHOWING PROOF OF CLAIMS, with first-hand knowledge.

3. The Claimant has not been afforded DUE PROCESS, AND EQUITY IN THE LAW BY THE BIAS AGENT Dowdell who procedurally and ethically error, lacking Personal Jurisdiction and with all due respect, first hand knowledge of the law, made apparent by the Agent Dowdell's written and spoken opinions on 09 / 10 /20 19 A.D., which deprived the Claimants of a fair hearing, and Due Process. The agent Dowdell, has caused irreperable injury to the Claimant through Agent Dowdell's character assassination of the company SAA LIMITED, which provides arbitral services and contract common law remedy by Third Party Arbitration. Take Judicial notice, with all due

respect, that Agent Dowdell's slander in this matter is a breach of the judicial canons, Bar Laws, Maritime laws, and breach of judicial conduct, manners, and personal and mental awareness. The Claimants are concerned with the mental status of this agent Dowdell, because it has caused irreparable harm to the natural persons Tonnie Nichols and Boris Nichols and the PEOPLE all over the United states of America by erroneously, and inappropriately attaching his-Agent Dowdell personal and biased opinion to try to establish case law. This is the Claimant's belief that 90 percent of all cases brought by the people in the courts are dismissed. This supports the Claimant's position of a deprivation of rights in conspiracy against the people.

4. The Claimants also add that, this court is operating under maritime law by the fringes on the flag, in the court and the performance of words, by the Agents, Judges, lawyers and their moot and biased responses, granting motions with preferential treatment to the Bar members (Lawyers and Judges rulings). The Claimant recognizes the court agents perform, prosecute and bid on cases lacking true and valid evidence. But first come, first served, lacking care or concern for the best interest of the parties or the law. The Agents of the courts are as "Pirates" at sea, removing vast numbers of Claimant's to their rightful "booty" and destroying the Claimant's and the People's right to the pursuit of happiness, life, liberty and freedom. The Claimant's reference booties as (assets) taken from the people of the land. With all due

respect, This game of “Word-play” is disgusting and has become a detriment to the people, and the reason why natural persons, attempt to create contracts of “our” own, like we're supposed to be afforded, in common law. This court has and is not operating under common law but, operating under man-made and moot rules which change every case and day.

5. When Claimant's request motion(s), in Equity, it is never answered until, BIASED ruling(s) of the Agent Dowdell who gives, to the apparent bar member, and grants whatever they opposed party request in verbally, in motions or orders without any proof of claim, which can be ascertained on the internet or public domain. As previously stated. All Bar members, of which the Agent Dowdell, acting as Judge is also a part of the Claimant's affidavit citing agent Dowdell's Conflict of interest in the captioned case(s) and matter(s). It is the belief the Claimant that 90% of all cases are being dismissed in this court. With all due respect: the Claimant sees no equitable justice, in the captioned matter(s). With all due respect, the Claimant was, is are coercively contracting and participating in your “kangaroo” courts filled with the B.A.R., Maritime laws, fictitious and moot statutes.
6. In King James Bible states Luke 11:37 vs 56 “And He said, “Woe to you also, lawyers! For you load men with burdens hard to bear, and you yourselves do not touch the burdens with one of your fingers. Luke 11:37 vs 45 “Woe to you lawyers! For you have taken away the key of knowledge. You did not enter in yourselves, and those who were entering in you

hindered." THE CLAIMANT RIGHTS HAVE BEEN IMPEDED AND HINDERED.

7. 2 The repetitive abuse and misuse of this case by the agent John Dowdell presiding proves, that there is a need for the development of an equitable, legal entity that will not render moot case laws by opinions, de facto and jurisdiction. With all due respect, the Agent Dowdell, obviously has no firsthand knowledge of the law and the duties of his seat of office, and what the law requirements are for arbitration. If his, -Agent Dowdell, had firsthand knowledge, no offer of proof of claims were presented and the agent Dowdell's opinion is enforced as factual. Agent Dowdell is required under penalty and perjury to provide offer of Proof of claim to Claimant, IMMEDIATELY, WITHOUT DELAY or, RECUSE HIMSELF IMMEDIATELY WITHOUT DELAY, ATTACHING sworn affidavit of the facts to the CLAIMANTS or, AGENT Dowdell, REPENT, RENDERING IN FAVORABLE DECISION FOR THE CLAIMANTS or have it removed immediately.
8. Furthermore, the agent Dowdell did not have an objective opinion, but the views and comments appears to be totally personal and not beneficial to the natural man and woman Tonnie Nichols and Boris Nichols. (1)**We accept your oath of office**, but (2)not your personal opinion, which has caused irreparable harm to the Claimants and in other cases against the PEOPLE of The United States of America, lacking jurisdiction and under color of law.

9. The Agent Dowdell Impeding and obstructing this arbitration lacked jurisdiction and consent of the Claimants, and despite Agent Dowdell attempts to slander and abuse his power. The Claimants Boris and Tonnie Nichols want to add that the judge is practicing law from the bench by issuing an opinion, that's being passed around as if its law, also across the country which is not **POSITIVE LAW AND IS TREASON.**
10. All the information has not been brought forth regarding the foreclosure, lacks sworn affidavit under penalty of perjury and by offer of proof of claim. Also, there are no valid, original documents for the court's Agent Dowdell, opinions, neither authenticated nor, verified this case yet the Agent Dowdell's opinion unlawfully, stood as contract, injuring the Claimants, under duress and the Claimants mental understanding is **not** accurate. If the Agent Dowdell wants to take cheap shots defaming the Claimants then the Claimant ask the Agent Dowdell recuse himself and send this case to another Agent that is not in dishonor or conflict with the Claimants. It appears that the Agent Dowdell libelous insults hurled at SAA LIMITED was personal because of the fact that Agent Dowdell **NEVER SEEN THE CLAIMANT'S CONTRACT** and used internet information, opinion, presumptions and presumptions, DE FACTO. They have provided a purported "Final Arbitration Award," issued by Sitcomm Arbitration Association in their exhibits. Agent John Dowdell states "That document is a bizarre

jumble of inconsistent, nonsensical word salad.” It is evident that Agent Dowdell is practicing law from the bench which in Article 3 section 4 of the constitution states “The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior” The Claimants have beared the brunt of Agent Dowdell’s emotional disdain for the Claimant’s right to equitable justice. The foreclosure action against the claimants has been a grave injustice against the claimants. Agent Dowdell’s Fraudulent acts to conceal his-agent Dowdell, misconduct and fraud upon the court and against the claimants. Agent Dowdell should have provided the claimant with the remedy. Claminat asserts the fact that no original contract was never entered into with U.S. BANK before December 19, 2018, stated and documented in the court of record. The Claimants have repeatedly request offer of proof of claims, proof of original notes, demanded the books be brought in to verify GAAP has been follow the laws and policies. The claimants are requesting that Agent DOWDELL do what’s right and in the best interests of the Claimant, in accordance to the law. The claimants also assert that All the documents entered in the court of record including the service was copies, fraud and the agent DOWDELL allowed fraudulent records into the court of record.

FOR THE STATE OF THE UNION OF New York  
For the County of Onondaga, On the land. U.s.a.

=====  
Statement of Truth of Facts of a Concerned National:

NATIONAL ORDER FOR COMPLIANCE

Now Comes, (i) Rochelle-Maretta: Brooks, Concerned, United States of America, Indigenous National, natural (Wo)man, Sur Juris, Mother, Sister, Cousin, Aunt, Friend of the People of the United States of America and as one of the People: Nunc pro tunc-this for then, that on the day 16, of December 120 19 A.D. (i), (Wo)man, Rochelle-Maretta:Brooks, received first-hand, eye-witness testimony of and by the aggrieved natural (Wo)man and United States National Tonnie Smith Nichols, who has verified and provided proof of ALL claims, on a point by point basis with, facts, regarding the matter of:

Aggrieved: Boris Nichols and Tonnie Smith Nichols.  
A.R., Holder in Due Course, Sur Juris, Plaintiff, Claimant, al., ect.,

U.S. BANK -V-  
al., ect.  
Defendant/Respondent, al., ect.

=====  
And upon belief of the facts stated herein, and the matter(s) being adjudicated, (i) Natural (Wo)man, Rochelle-Maretta:Brooks, act and come forth with this JUDGEMENT/ORDER FOR COMPLIANCE WITH EQUITABLE REMEDY, CURE AND MAINTENANCE OF THIS/ THESE MATTER(S) OT POSSIBLE, SEALED, FORWARD AND PRESENTED THIS/ THESE MATTER(S) BEFORE AND ONLY TO THE GRAND JURY, IMMEDIATELY WITHOUT DELAY, AS TIME IS OF ESSENCE.

Boris Nichols and Tonnie Smith Nichols  
Applicants Pro Per  
8562 E 32nd St.  
Phone:(918) 812-8578  
Email: Tonnie2you@msn.com

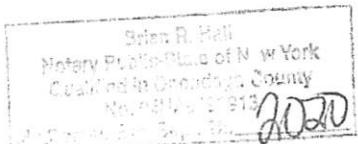
% Rochelle -Maretta:Brooks  
/S/ Boris Rochelle Maretta  
TM © Boris Nichols ®  
% Rochelle-Maretta: Brooks  
/S/ Boris Rochelle Maretta  
TM © Tonnie Smith Nichols ®

Boris Rochelle Maretta  
/S/ TM © Rochelle-Maretta:Brooks ®

% & RFD TO: 231 LILAC ST., SYRACUSE, NY  
[00000-13208] ONONDAGA COUNTY, U.S.A.  
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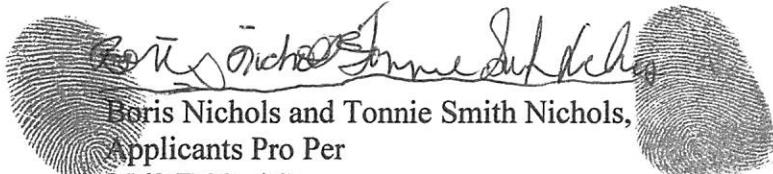
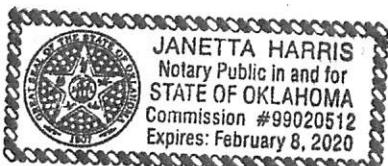
Affirmed in the light of 18, day of December month of 2019 A.D.

Brian R. Hall



11. According to the Amendment 11: The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State. The Claimants were dragged out of their home by court officers/agents, with no warrant and put in the street, left homeless as natural man and natural woman all because of the lack of justice to performed by this and the lower courts. There is no accountability for these private courts proceedings and the claimants require equitable relief.

- The Claimants have been railroaded to the point that this case needs to be re-evaluated because, of agent DOWDELL's negligence and continuous remand of the case.
- 12. In closing, the case was removed from state court to this court and this court violated already in place orders in favor of The Claimants. This case also has become an unlawful precedence being sent in other cases around the world and according to article v and opinion from a judge does not settle the case for anyone or set the case as law. Article v.

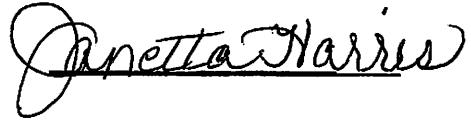


Boris Nichols and Tonnie Smith Nichols,  
Applicants Pro Per  
8562 E 32nd St.  
Tulsa, Oklahoma 74145  
Phone: (918) 812-8578  
Email: Tonnie2you@msn.com

Jurat

State of Oklahoma)  
County of Tulsa) ss

Subscribed and sworn (or affirmed) before me this 18th day of Dec. 2019.



Notary Public

1  
2                   **CERTIFICATE OF SERVICE**  
3

4 Copies of Applicant's Violation Warning. Denial of Rights Under Color of Law In Opposition  
5  
6 were sent to the Clerk of the Court by Tonnie Nichols by hand delivery and to Counsel as  
7 listed below

8  
9 Jown Dowdell  
10 333 W 4th St # 411, Tulsa, OK 74103

11 By: Boris Nichols and Tonnie Nichols  
12                   Boris Nichols  
13                   Tonnie Smith Nichols  
14                   Applicants Pro Per  
15                   8562 E 32nd St.  
16                   Tulsa, OK 74145  
17                   Phone: (918) 812-8578  
18                   Email: Tonnie2you@msn.com  
19                   Boris Nichols, Pro Se Plaintiff  
20  
21  
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FOR THE STATE OF THE UNION OF New York  
For the County of Onondaga, On the land. U.s.a.

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A.R., Holder in Due Course, Sur Juris, Plaintiff, Claimant, al., ect.,

U.S. BANK -V-  
al., ect.  
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% Rochelle -Maretta:Brooks

/S/ Brooks : Rochelle Maretta  
TM © Boris Nichols ®

% Rochelle-Maretta: Brooks

/S/ Brooks : Rochelle Maretta  
TM © Tonnie Smith Nichols ®

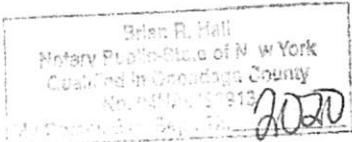
/S/ Brooks : Rochelle Maretta  
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Affirmed in the light of 18, day of December month of 2019 A.D.

B. R. Hall



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6                   were sent to the Clerk of the Court by Tonnie Nichols by hand delivery and to Counsel as  
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8  
9                   Jown Dowdell  
10                  333 W 4th St # 411, Tulsa, OK 74103

11                  By: Boris Nichols and Tonnie Nichols

12                  Boris Nichols  
13                  Tonnie Smith Nichols  
14                  Applicants Pro Per  
15                  8562 E 32nd St.  
16                  Tulsa, OK 74145  
17                  Phone: (918) 812-8578  
18                  Email: Tonnie2you@msn.com  
19                  Boris Nichols, Pro Se Plaintiff  
20  
21  
22

Form **COL**

**Violation Warning  
Denial of Rights Under Color of Law**

► Violation Warning—18 U.S.C. §242; 18 U.S.C. §245; 42 U.S.C. §1983

Name and address of Citizen  
Tonnie Nichols and Boris Nichols  
c/o 8562 e 32nd st tulsa ok 74145

Name and address of Notice Recipient  
JOHN E DOWDELL  
333 west fourth st. room 411  
Tulsa, OK 74103

Citizen's statement:

THE FORCLOSURE CASE HAS NO MERIT, AND SHOULD BE VACATED  
The slander of a contract that was ever entered in the case, nor viewed by this person not court

I certify that the forgoing information stated here is true and correct.

Citizen's signature

► *Boris Nichols Tonnie Nichols* | Date ►

12/17/2019

**Legal Notice and Warning**

Federal law provides that it is a crime to violate the Rights of a citizen under the color-of-law. You can be arrested for this crime and you can also be held personally liable for civil damages.

Attempting to cause a person to do something by telling that person that such action is required by law, when it is not required by law, may be a felony.

18 USC §242 provides that whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States ... shall be fined under this title or imprisoned not more than one year, or both.

18 USC §245 provided that Whoever, whether or not acting under color of law, intimidates or interferes with any person from participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; [or] applying for or enjoying employment, or any perquisite thereof, by any agency of the United States; shall be fined under this title, or imprisoned not more than one year, or both.

42 USC §1983 provides that every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

**Warning**, you may be in violation of Federal Law and persisting with your demand may lead to your arrest and/or civil damages! Also understand that the law provides that you can be held personally responsible and liable, as well as your company or agency.

You are advised to cease and desist with your demand and to seek personal/ legal counsel if you do not understand the law.

Notices of Service: Boris Nichols and Tonnie Nichols,

I, *Janetta Harris* certify that I personally delivered this notice to above named recipient and address on 333 West Fourth at 10:35 AM.

Public Domain - Privacy Form COL(01)

100 m 411

*Janetta Harris  
12-20-2019*



## Untitled

CC:

**DEPARTMENT OF JUSTICE  
Attorney General William Barr  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001**

**SUPREME COURT  
attn:court of records  
1 First St NE, Washington, DC 20543**

1  
2                   **CERTIFICATE OF SERVICE**  
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11                  By: Boris Nichols and Tonnie Nichols

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13                  Tonnie Smith Nichols  
14                  Applicants Pro Per  
15                  8562 E 32nd St.  
16                  Tulsa, OK 74145  
17                  Phone: (918) 812-8578  
18                  Email: Tonnie2you@msn.com  
19                  Boris Nichols, Pro Se Plaintiff  
20  
21  
22

Form **COL**

**Violation Warning  
Denial of Rights Under Color of Law**

► Violation Warning—18 U.S.C. §242; 18 U.S.C. §245; 42 U.S.C. §1983

Name and address of Citizen  
Tonnie Nichols and Boris Nichols  
c/o 8562 e 32nd st tulsa ok 74145

Name and address of Notice Recipient  
JOHN E DOWDELL  
333 west fourth st, room 411  
Tulsa, OK 74103

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► Boris Nichols ; Tonnie Nichols | Date ►

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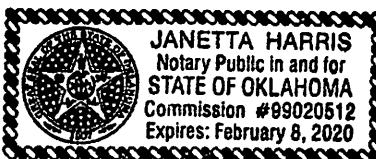
Notices of Service and Tonnie Nichols,

I, Boris Nichols, Tonnie Nichols certify that I personally delivered this notice to above named recipient and address on 333 W 4th at 10:35 AM.

Public Domain - Privacy Form COL(01)

*Jnotary  
Janetta Harris  
12-20-2019*

Room 411



## Untitled

CC:

DEPARTMENT OF JUSTICE  
Attorney General William Barr  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

SUPREME COURT  
attn:court of records  
1 First St NE, Washington, DC 20543